

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN JAMES DAY RIDER,

Defendant.

CR 09-90-GF-DLC-RKS

ORDER

FILED

APR 30 2013

Clerk, U.S. District Court
District Of Montana
Missoula

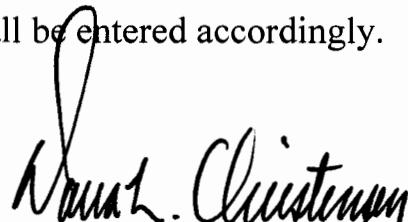
This case was referred to United States Magistrate Judge Keith Strong for a revocation hearing and findings and recommendations. Judge Strong entered findings and recommendations on April 10, 2013. He found that Defendant violated Special Condition #4 of his supervised release by admitting to using alcohol. Judge Strong recommends that this Court revoke Defendant's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of imprisonment of 9 months with no supervised release. No objections have been filed by either party, and Judge Strong's findings and recommendations are

therefore reviewed for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's finding that Defendant violated Special Condition #4 of his supervised release by consuming alcohol. Defendant admitted to the violation and declined to allocute before Judge Strong. Judge Strong is also correct that the United States Sentencing Guidelines call for 3 to 9 months imprisonment, and a term of supervised release up to 2 years less any custodial time imposed. This Court agrees that a sentence of 9 months custody followed by no supervised release is appropriate given Defendant's history of prior supervised release violations related to alcohol use. Judge Strong's recommendations will be adopted in full.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 54) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this 30th day of April, 2013.



Dana L. Christensen, Chief Judge
United States District Court